IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

MACA.No. 221 of 2003(C)

OPMV.223/97 MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA

APPELLANTS/PETITIONERS:
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1. **MR. RAJAPPAN, S/O. KRISHNAN, PANAMBIL HOUSE, WARD NO.IX, MARARIKULAM NORTH PANCHAYATH, ALAPPUZHA.**

2. **SMT. PONNAMMA, W/O. RAJAPPAN, PANAMBIL HOUSE, WARD NO.IX, MARARIKULAM NORTH PANCHAYATH, ALAPPUZHA.**

3. **SHRI. SUBODH, S/O. RAJAPPAN, PANAMBIL HOUSE, WARD NO.IX, MARARIKULAM NORTH PANCHAYATH, ALAPPUZHA.**

BY ADV. SRI.P.VIJAYARAGHAVAN

RESPONDENTS: RESPONDENTS 1 TO 3:
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1. **MR. C.O. EASTHAPPAN, CHOWARAM HOUSE, MATTOOR, KALADY.**

2. **MR. SAJEEV KUMAR, S/O. JAYANDAN, KALAPPURACKAL HOUSE, EADAVOOR, KEEVAPADY VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.**

3. **THE NATIONAL INSURANCE CO.LTD., A.M. ROAD, PERUMBAVOOR, REPRESENTED BY ITS BRANCH MANAGER.**

R3 BY ADV. SRI.JOE KALLIATH

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 221 OF 2003

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Dated this the 11th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Alappuzha in O.P.(MV) 223/97. The claimants are legal representatives of one deceased Sinichithra who died in a road accident. The petition is filed u/s 163 A of the M.V.Act. The Tribunal has awarded a total compensation of Rs.2,60,500/-. It is against that decision the present appeal is preferred.

2. The Insurance Company has also entered appearance. Heard both sides. The only point of dispute between the parties is with regard to multiplier taken in this case. Here, the date of birth of the girl is 23/5/1975 and the accident took place in the year 1997. At that time she had passed 21 years. The appropriate multiplier to be used is 17 and not 16. The Tribunal has only taken a multiplier of 16. Therefore, we take the multiplier as 17 and if it is done so, after deducting 1/3rd for the personal

expenses, compensation for dependency loss would come to Rs.16,000/-. On all other aspect the Tribunal has awarded just and reasonable compensation.

In the result, the M.A.C.A. is disposed of as follows:

The claimants are awarded an additional compensation of Rs.16,000/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-